



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

October 14, 2008

Mr. Ed W. Clark
Superintendent
Manassas National Battlefield Park
12521 Lee Highway
Manassas, Virginia 20109-2005

Re: Manassas National Battlefield Park Final General Management Plan/Environmental Impact Statement (CEQ #20080354)

Dear Mr. Clark:

In accordance with the National Environmental Policy Act of 1969 and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement for the Manassas National Battlefield Park Final General Management Plan/Environmental Impact Statement (FEIS).

Some of EPA's comments were not specifically addressed in the FEIS as was noted by the National Park Service (NPS) on page 186 that "The general management plan is a programmatic level document and these comments go beyond the scope of the document." The NPS also states on page 184 that "Most of these comments will be considered during planning and implementation of the proposed actions." EPA appreciates that its comments will be considered during the planning and implementation phase and references §1508.28 of the Regulations for implementing NEPA for your information. It states, "Tiering" refers to the coverage of general matters in broader environmental impact statements...with subsequent narrower statements or environmental analyses...incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared." Thus, we anticipate that the proposed actions would result in subsequent environmental analysis where EPA's comments would be addressed. (EPA highlights this section of the regulations as the NPS deems appropriate and looks forward to reviewing further documentation.)


It is noted on page 184 of the FEIS that "One respondent expressed a preference for the no-action alternative. The Environmental Protection Agency supported the no action alternative with construction of the Battlefield Bypass." EPA would like to clarify the interpretation of its comment to the DEIS dated February 23, 2006 which was to state a distinct similarity in all alternatives which was not mentioned in the discussion of Alternative A (No Action). Specifically, the DEIS did not mention within its discussion of Alternative A, that concurrent with the Manassas National Battlefield Park GMP/EIS, the Federal Highway Administration and the National Park Service have completed the Manassas National Battlefield Park Bypass Draft Environmental Impact Statement (Bypass Study). Thus, regardless of the specific alignment selected, the bypass will allow for the eventual closure of U.S. Route 29 and VA Route 234

within the park to through traffic. Therefore, it should have been mentioned in the discussions of Alternative A (as it was in Alternatives B and C) that U.S. Route 29 and VA Route 234 would eventually result in closure within the park.

As stated on page 184, “The National Environmental Policy Act requires the National Park Service to respond to substantive comments.” The FEIS then defines “substantive.” However, it is imperative to note that NEPA does not state that a lead agency is to respond to substantive comments, leaving for interpretation that those comments not considered substantive do not warrant commenting by the lead federal agency. It is stated in §1503.4(a)(5) “Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency’s position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.” To some degree the NPS did that as it mentions that the DEIS is programmatic and general in nature, thus “Most of these comments will be considered during planning and implementation of the proposed actions.” It is unclear whether EPA’s comments will be considered as the proposed actions are implemented or whether they were not considered substantial.

Thank you for providing EPA with the opportunity to review this project. If you need assistance in the future, the staff contact for this project is Karen DelGrosso; she can be reached at 215-814-2765.

Sincerely,

A handwritten signature in dark ink, appearing to read "William Arguto", with a long horizontal stroke extending to the right.

William Arguto
NEPA Team Leader

